MONTANA LEGISLATIVE HISTORY

Chapter 207 1997

Bill H 478 S _____ Original bill & history ✓ C

H. Committee on Business & Labor			S. Committee on Business & Industry		
Hearing Date(s)	Feb 12	✓ C	Hearing Date(s)	Mar 14	✓ C
		C		Mar 15	✓ C
		C			C
		C			C
Date Out	Feb 12	✓ C		Mar 15	✓ C

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____ Report _____

1997 LEGISLATIVE HISTORY

The 1997 Montana Legislature has dramatically changed the nature of the legislative minutes. Specifically, the minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are somewhat fuller in content. Exhibits available from the State Law Library (which may include written statements, attendant information, roll call votes, roll call attendance, a list of public members present, specific action taken on legislative bills, etc.) are included with this request. For information on other exhibits, contact the Montana Historical Society Archives at 444-4774. Exhibits may also be purchased on a CD-ROM from the Montana Legislative Council (444-3064).

Just as in the 1995 legislative session, the House and Senate hearings were recorded. The Historical Society is the depository for the tapes. For information on accessing the tapes, call the archives at 444-4774.

If you have concerns over the format of the 1997 legislative minutes, it is suggested that you contact your state legislators.

POSSESSION OF THE DRUGS OR RESULTING FROM THE YOUTH'S USE OF THE DRUGS

2/06	INTRODUCED		
2/06	FIRST READING		
2/06	REFERRED TO CORRECTIONS SELECT COMMITTEE		
2/06	FISCAL NOTE REQUESTED		
2/13	HEARING		
2/13	FISCAL NOTE RECEIVED		
2/15	FISCAL NOTE PRINTED		
3/10	TABLED IN COMMITTEE		
3/12	MOTION FAILED TO TAKE FROM COMMITTEE AND PLACE ON 2ND READING	57	43
3/16	MISSED DEADLINE FOR 57TH DAY TRANSMITTAL DIED IN COMMITTEE		

HB 478 INTRODUCED BY WISEMAN, ET AL. *LC1254 DRAFTER: BOHYER*

REVISE THE DEFINITION OF "GLASS BROKER"

2/06	INTRODUCED		
2/06	FIRST READING		
2/06	REFERRED TO BUSINESS & LABOR		
2/12	HEARING		
2/13	COMMITTEE REPORT—BILL PASSED		
2/15	2ND READING PASSED	88	8
2/18	3RD READING PASSED	92	7
	TRANSMITTED TO SENATE		
2/19	FIRST READING		
2/19	REFERRED TO BUSINESS & INDUSTRY		
3/14	HEARING		
3/21	COMMITTEE REPORT—BILL CONCURRED		
3/26	2ND READING CONCURRED	50	0
3/27	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE		
4/03	SIGNED BY SPEAKER		
4/03	SIGNED BY PRESIDENT		
4/04	TRANSMITTED TO GOVERNOR		
4/07	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 207		
	EFFECTIVE DATE: 10/01/97		

HB 479 INTRODUCED BY TUSS, ET AL. *LC0599 DRAFTER: LANE*

PROVIDE THAT A PERSON WHO IS CHRONICALLY INCAPACITATED BY ILLNESS OR INJURY MAY REQUEST TO BE PERMANENTLY EXCLUDED FROM JURY DUTY AND FROM THE LIST OF JURORS

2/07	INTRODUCED		
2/07	FIRST READING		
2/07	REFERRED TO JUDICIARY		
2/17	HEARING		
2/17	COMMITTEE REPORT—BILL PASSED		
2/18	2ND READING PASSED	92	6
2/19	3RD READING PASSED	92	7
	TRANSMITTED TO SENATE		
2/20	FIRST READING		
2/20	REFERRED TO JUDICIARY		
3/13	HEARING		
3/15	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/19	2ND READING CONCURRED	50	0
3/20	3RD READING CONCURRED	50	0

House BILL NO. 478

INTRODUCED BY Wissoman Thomas Mclean Benedict
Burnett Beaudry Durkee Hazel Ong Hollgan

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF "GLASS BROKER"; REVISING THE PRACTICES FROM WHICH CERTAIN PERSONS ENGAGED IN THE SALE, REPAIR, OR REPLACEMENT OF AUTOMOBILE GLASS ARE PROHIBITED; AND AMENDING SECTIONS 30-14-225 AND 33-18-223, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 30-14-225, MCA, is amended to read:

"**30-14-225. Prohibited practices -- advertising allowed.** (1) A person engaged in the sale, repair, or replacement of automobile glass may not:

(a) advertise, promise to provide, or offer any coupon, credit, or rebate to pay all or part of an insurance deductible under a casualty or property insurance policy; or

(b) pay a sum or incentive to an individual or entity for directing glass replacement or repair or the purchase of a glass product.

(2) A person or association of persons engaged in the sale, repair, or replacement of automobile glass may advertise services as to quality, service, and safety.

(3) A ~~person~~ glass broker, as defined in 33-18-223, may not manage, handle, or arrange automobile glass replacement or glass repair work for which the ~~person~~ glass broker retains a percentage of the claim ~~or a set fee paid by the insurance company to the glass repair shop for an amount in excess of the amount paid to the glass repair shop~~."

Section 2. Section 33-18-223, MCA, is amended to read:

"**33-18-223. Prohibited activities -- glass broker defined.** (1) It is unlawful for an insurance company, individually or with others, to directly or indirectly:

(a) establish an agreement with any person to act as a glass broker for the insurance company under which the glass broker sets a price that must be met by a glass repair shop as a condition for doing glass replacement or glass repair work for the insurance company;

(b) establish an agreement with ~~any person~~ a glass broker that requires a glass repair shop to bill through that ~~person~~ glass broker as a condition of doing glass replacement or glass repair work; or

(c) establish a price that must be met by a glass repair shop as a condition for doing glass replacement or glass repair work that is below the lowest prevailing market price as provided in 33-18-222.

(2) As used in this section, "glass broker" means an automobile glass company that acts as a third-party agent for the insurer ~~for~~ whenever the ~~purpose of entering~~ glass broker enters into agreements with other automobile glass dealers to perform glass replacement or glass repair work."

-END-

HEARING ON HB 478

Opening Statement by Sponsor: **Rep. Wiseman,** H. D. 41 introduced the bill.
{Tape: 1; Side: 1; Approx. Time Count: 2.7; Comments: None.}

Proponents' Testimony:
Greg VanHorrsen, State Farm Insurance
{Tape: 1; Side: 1; Approx. Time Count: 3.7; Comments: None.}

Charles Brooks, MT Ind. Glass Dealers Assn.
{Tape: 1; Side: 1; Approx. Time Count: 9.3; Comments: None.}

Opponents' Testimony: None

Questions From Committee Members and Responses:
{Tape: 1; Side: 1; Approx. Time Count: 10.5; Comments: None.}

Closing by Sponsor:**Rep. Wiseman** closed.
{Tape: 1; Side: 1; Approx. Time Count: 12.5; Comments: None.}

HEARING ON HB 470

Opening Statement by Sponsor: **Rep. HEAVY RUNNER,** H.D. 85 introduced the bill. **EXHIBIT 1,2,5**
{Tape: 1; Side: 1; Approx. Time Count: 13.6; Comments: None.}

Proponents' Testimony:
Phil Campbell, MEA
{Tape: 1; Side: 1; Approx. Time Count: 15.1; Comments: None.}

Roger Helmer, Browning Supt. EXHIBIT 3.
{Tape: 1; Side: 1; Approx. Time Count: 17.2; Comments: None.}

Lance Melton, MT School Board Assn.
{Tape: 1; Side: 1; Approx. Time Count: 19.1; Comments: None.}

Don Waldron, MT Rural Education Assn.
{Tape: 1; Side: 1; Approx. Time Count: 19.7; Comments: None.}

Loren Fraser, School Administrators of MT
{Tape: 1; Side: 1; Approx. Time Count: 20.0; Comments: None.}

Jerry Pauli, Supt of Thompson Falls. EXHIBIT 4.
{Tape: 1; Side: 1; Approx. Time Count: 20.5; Comments: None.}

Opponents' Testimony: None

Questions From Committee Members and Responses:
{Tape: 1; Side: 1; Approx. Time Count: 22.8; Comments: None

Closing by Sponsor:**Rep. Heavy Runner** closed.
{Tape: 1; Side: 1; Approx. Time Count: 32.2; Comments: None.}

EXECUTIVE ACTION ON HB 478

Motion/Vote: **Rep. Pavlovich** moved do pass HB 478. Motion carried unanimously.
{Tape: 1; Side: 1; Approx. Time Count: 33.7; Comments: None.}

EXECUTIVE ACTION ON HB 470

Motion/Vote: **Rep. Stovall** moved do pass HB 470. Motion carried unanimously.
{Tape: 1; Side: 1; Approx. Time Count: 34.0; Comments: None.}

HEARING ON HB 185

Opening Statement by Sponsor: **Rep. Bergsagel,** H.D. 95 introduced the bill. **EXHIBIT 6.**
{Tape: 1; Side: 1; Approx. Time Count: 35.; Comments: None.}

MOTION: Rep. Sliter moved to take HB 185 from Table. Motion passed unanimously.
{Tape: 1; Side: 1; Approx. Time Count: 34.8; Comments: None.}

Proponents' Testimony:
Chuck Merja, MT Farmers Group. EXHIBIT 8.
{Tape: 1; Side: 1; Approx. Time Count: 38.0; Comments: None.}

Robert Bold, Winifred-MT Graingrowers. EXHIBIT 7.
{Tape: 1; Side: 1; Approx. Time Count: 43.0; Comments: None.}

Ralph Peck, MT Dept of Agriculture, Director
{Tape: 1; Side: 2; Approx. Time Count: 1.0; Comments: None.}

Beth O'Halleron, State Auditors Office
{Tape: 1; Side: 2; Approx. Time Count: 1.4; Comments: None.}

Rep. Devaney and Rep. Stovall
{Tape: 1; Side: 2; Approx. Time Count: 4.0; Comments: None.}

Opponents' Testimony: None

Questions From Committee Members and Responses:
{Tape: 1; Side: 2; Approx. Time Count: 4.3; Comments: None.}

the Senate Floor. **REP. HARPER** said he feels that this bill is simple and doesn't really cost so much money.

SEN. CASEY EMERSON asked if this bill might not be putting additional costs onto people who want to adopt a pet and won't do so if it costs them more? **REP. HARPER** said that the costs paid by citizens to support the Humane Societies' function should be more than when an animal is adopted and those costs would be covered by the person doing the adopting. This bill should save taxpayers money. When the Lewis & Clark Humane Society adopted the policy of spaying and neutering by the owners they were concerned about the demand for animals would drop off. This concern did not come about. They seemed to notice that people had a better commitment to the pet. Sometimes you can't give things away for free, but if you sell them for $5, people will not only buy them but take better care of them.

Closing by Sponsor:

REP. HARPER closed. If this bill works, it would increase the business at the pet stores. People will be looking for those kind of outlets for breeding pets. They shouldn't come from puppy farms. Thank you for your time.

{Tape: 1; Side: B; Approx. Time Count: 9:58 AM; Comments: TURNED THE TAPE A BIT EARLY SO AS TO START AT THE BEGINNING OF SIDE B.}

HEARING ON HB 478

Sponsor: **REP. WILLIAM WISEMAN, HD 41, GREAT FALLS**

Proponents: **Greg Van Horssen, State Farm Insurance**
Charles Brooks, MT Independent Glass Dealers Assoc.
Frank Cote, Deputy Insurance Commissioner

Opponents: **None**

Opening Statement by Sponsor:

REP. WILLIAM WISEMAN, HD 41, GREAT FALLS. For those of you around in 1993, you might recall that we had an atmosphere with lots of grief from the small glass repair shops in the state. There were allegations that came before us that the large insurance companies were trying to divert their customers who had broken their windshields to shops who had a contract with the insurance company. Other repair shops came in and said they needed some legislation. We passed legislation to fix that particular point. When a person's windshield is broken, they can take it to any shop to get it repaired. We need to tweak the bill a little bit. It won't take long.

Proponents' Testimony:

Greg Van Horssen, State Farm Insurance. State Farm was involved in the drafting of the 1993 bill. This proposed amendment does not change the effect of the 1993 legislation. It allows for an insurance company to employ the services of a third party administrator to handle claims and pay for automobile glass repair work. Currently under the law, a person may not manage, handle or arrange auto glass replacement or repair work for which the glass broker retains a percentage of the claim. Arguably, this third party administrator would be a person for purposes of that law. So there is a concern that the employment of a third party administrator would be prohibited by the current law. That is why this amendment is before the committee. It is important for the committee to understand that these changes do not change the prohibitions of the 1993 legislation which was drafted jointly by the insurance industry and the auto glass repair industry. By allowing insurers to employ the services of a third party administrator, there will be more efficient claims processing and a quicker payment to the folks who are doing the repair work. I would ask the committee for a do concur recommendation on HB 478. **Jacqueline Lenmark, American Insurance Association,** could not be here today but asked me to enter her organization's support for this bill as well.

Charles Brooks, MT Independent Glass Dealers Association. I was involved in the crafting of the legislation in 1993. We stand in strong support of this bill and feel this is a necessary change and it will benefit our members.

Frank Cote, Deputy Insurance Commissioner. We were the referees between the two parties in 1993. We don't think this bill will have any adverse impact on the consumer.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SEN. STEVE BENEDICT asked why the reference on page 1, line 22 and 23 to the "or a set fee paid by the insurance company to the glass repair shop for an amount in excess of the amount paid to the glass repair shop" was taken out? That does change the intent of the law. **Mr. Van Horssen** said that he was not prepared to answer that question right now. He said that he would check on this and get an answer to this as quickly as possible.

SEN. CASEY EMERSON asked why the marketplace could not take care of this problem itself? **REP. WISEMAN** said that apparently there is a fear that by putting in a third person in there they would be violating the law. So they asked for the law to clarify who a glass broker is. The glass broker would be the person that the small glass shop would turn the claim into. That glass shop would be paid by the broker. The broker consolidates the bills

and would send a bill to the big insurance companies once a month.

SEN. BENEDICT offered his answer to the above question. The answer still did not answer **SEN. EMERSON'S** question.

Mr. Brooks offered his answer but it did not address the question.

Closing by Sponsor:

REP. WISEMAN closed. Again, we are not changing the original intent of the 1993 bill. With a third party glass broker, the small repair shop can be paid sooner. That is the main objective of the bill. Thank you for your time.

MONTANA SENATE
1997 LEGISLATURE
BUSINESS AND INDUSTRY COMMITTEE

ROLL CALL DATE 3-14-97

NAME	PRESENT	ABSENT	EXCUSED
WILLIAM CRISMORE	X		
CASEY EMERSON	X		
BEA MC CARTHY			X
DEBBIE SHEA	X		
STEVE BENEDICT, VICE CHAIRMAN	X		
JOHN HERTEL, CHAIRMAN	X		

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DATE 3-14-97

SENATE COMMITTEE ON Business and Labor

BILLS BEING HEARD TODAY: HB 431; HB 435
HB 478

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Check One

Name	Representing	Bill No.	Support	Oppose
Judith Fenton	Animal welfare	435	✓	
DONALD FENTON	" "	435	✓	
Greg Van Horssen	State Fund Ins. Co	HB478	✓	
Judith Semmens	Animal Welfare	HB435	✓	
Ethyl Brown Keel	Animal Welfare	HB435	✓	
DAVE FISHER	PSC	HB431	✓	
Linda Owen	L & C Humane Soc.	435	✓	
Sandy Mantz	L. & C. Humane Soc.	435	✓	
Colleen Miller	West. MT Spay/Neuter T.F.	435	✓	
Barbara Ranf	USWEST Communications	HB431	✓	
Mike Strand	Montana Independent Telecommunications Systems	HB431	✓	
Carolyn Cunningham	myself	HB435	✓	
JOAN MANDEVILLE	Montana Tel. Assoc.	HB431	✓	
Charles R. Brooks	Mt. Ind. Glass Dealers Assoc.	HB478	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10

Vote: THE MOTION TO AMEND HB 399 CARRIED UNANIMOUSLY.

Motion/Vote: SEN. MCCARTHY MOVED HB 399 BE CONCURRED IN AS AMENDED. THE MOTION CARRIED UNANIMOUSLY. SEN. BENEDICT WILL CARRY.

HB 267 was discussed and amendments (EXHIBIT 6) were submitted. It was then decided to put the bill on hold till some questions could be cleared up.

{Tape: 1; Side: B; Approx. Time Count: 10:26 AM; Comments: N/A.}

EXECUTIVE ACTION ON HB 478

Motion/Vote: SEN. STEVE BENEDICT MOVED HB 478 BE CONCURRED IN. THE MOTION CARRIED UNANIMOUSLY: 6-0 SEN. CRISMORE WILL CARRY.

EXECUTIVE ACTION ON HB 492

Motion/Vote: SEN. BEA MCCARTHY MOVED HB 492 BE CONCURRED IN. THE MOTION CARRIED UNANIMOUSLY: 6-0 SEN. HERTEL WILL CARRY.

EXECUTIVE ACTION ON HB 287

Motion: SEN DEBBIE SHEA MOVED HB 287 BE CONCURRED IN.

Amendments: SEN. SHEA MOVED TO AMEND 287 (EXHIBITS 7 AND 8) hb028701.abc and hb028702.abc.

Discussion: SEN. BENEDICT felt that there had been no compromise between the Department of Commerce and the insurance industry. He then offered a substitute motion.

Substitute Motion/Vote: SEN. BENEDICT MOVED TO TABLE HB 287. THE MOTION CARRIED with SENATORS MCCARTHY AND SHEA voting NO: 4-2

MONTANA SENATE
1997 LEGISLATURE
BUSINESS AND INDUSTRY COMMITTEE

ROLL CALL DATE 3-19-97

NAME	PRESENT	ABSENT	EXCUSED
WILLIAM CRISMORE	X		
CASEY EMERSON	X		
BEA MC CARTHY	X		
DEBBIE SHEA	X		
STEVE BENEDICT, VICE CHAIRMAN	X		
JOHN HERTEL, CHAIRMAN	X		

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CS-09

DATE _____

SENATE COMMITTEE ON Fish Wildlife & Parks

BILLS BEING HEARD TODAY: _____

_____

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Name	Representing	Bill No.	Check One: Support	Oppose
Jorge Quintana	Missoula Humane Society	435	✓	
Constance Boyer	Lewis & Clark Hum Soc	435	✓	
Jacqueline Lenmark	Am. Ins. Assoc'n	478	✓	
Dennis Iverson	Montanans and their pets		✓	
Dick Pattison	MT Senior Citizens	HB 431	✓	
Don Judge	MT State AFL-CIO	HB 431	✓	
Rep. Dorothy Simpson	Florence Carlo's Citizen	435	✓	
Tom Roskelley	Bozeman	435	✓	
Janice C. Reilly	Bozeman	435	✓	
Arthur Alexander	Hamilton	435	✓	
Stuart Doggett	MT Veterinary Medical Assoc.	435	✓	
Frank [illegible]	[illegible]	475	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10

SENATE STANDING COMMITTEE REPORT

March 19, 1997

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill 478 (third reading copy -- blue), respectfully report that House Bill 478 be concurred in.

Signed: John Hertel
Senator John R. Hertel, Chair

Amd. Coord.
Sec. of Senate

Senator Carrying Bill

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